

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

CITY OF ST. LOUIS;)	
)	
ST. LOUIS COUNTY;)	
)	
<i>and</i>)	
)	
JACKSON COUNTY,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 21AC-CC00237
STATE OF MISSOURI;)	
)	
<i>and</i>)	
)	
ERIC SCHMITT,)	
Attorney General of Missouri)	
)	
Defendants.)	

FINAL JUDGMENT

This case involves the validity of the Second Amendment Preservation Act (“SAPA”), H.B. 85 & 310, 101st Gen. Assemb., 1st Reg. Sess. (Mo. 2021), which was passed by the Missouri General Assembly in May and signed by the Governor of Missouri in June.

Before the Court is the City of St. Louis, St. Louis County, and Jackson County’s (“Plaintiffs”) Motion for a Preliminary Injunction, and the State’s Motion for Judgment on the Pleadings. The parties agree that the provisions of Sections 1.450 - 1.470 of SAPA that impose legal penalties for specific actions will not have operative effect until August 28, 2021.

Having fully considered the parties' pleadings, and written and oral arguments, the Court will grant the State's motion for judgment on the pleadings.

Declaratory relief requires a justiciable controversy, which includes the absence of an adequate remedy at law. *Accord Schweich v. Nixon*, 408 S.W.3d 769, 773–74 (Mo. banc 2013) (per curiam); *Foster v. State*, 352 S.W.3d 357, 359–60 (Mo. banc 2011); *Missouri Health Care Ass'n v. Attorney General*, 953 S.W.2d 617, 620 (Mo. banc 1997). Thus, if Plaintiffs have an adequate remedy at law, then the Court cannot issue declaratory relief. *See id.* Plaintiffs directed this Court to at least two pending cases filed against them under this statute, however, “[W]here [the] alternative remedy is a pending suit, there is even greater justification to apply the rule against allowing declaratory judgment actions.” *Am. Family Mut. Ins. Co. v. Nigl*, 123 S.W.3d 297, 302 (Mo.App. 2003). The constitutional issues raised in this matter should be litigated (if at all) by each plaintiff in each separate case.

Since the Court concludes that Plaintiffs have an adequate remedy at law, *see Schaefer v. Koster*, 342 S.W.3d 299, 300 (Mo. banc 2011), the Court declines to issue the declaratory relief Plaintiffs request in the First Amended Petition.

Plaintiffs' request for declaratory relief is denied. Any and all other claims for relief not expressly ruled on above are denied. In light of this disposition, the Court also denies Plaintiffs' request for a preliminary injunction as moot. *See, e.g., State ex rel. Hawley v. Heagney*, 523 S.W.3d 447, 450 (Mo. banc 2017) (per curiam).

So Ordered.

Date:

8/27/21



Hon. Daniel R. Green, Circuit Judge